THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18034 of 2005

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DATED: 17-08-2005

P.Bhaskar Rao.

..... PETITIONER

AND

Kapra Municipality,

rep., through its Commissioner

Kapra Keesara Mandal,

Ranga Reddy District & 3 others.

.....RESPONDENTS

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Mandamus to declare the action of the respondents, in seeking to demolish the rooms constructed on Plot Nos.8 & 12 in Sy.No.232 & 242 situated at Kushaiguda, Keesara Mandal, Rangareddy District, as arbitrary, illegal and without jurisdiction.

2. It is the case of the petitioner that his wife is the owner of the plots bearing Nos.12 & 8 admeasuring 300 sq.yards and 350 sq.yards respectively in Sy.Nos.232 & 242, situated at Kushaiguda village under Kapra Municipality, Keesara Mandal, Rangareddy District, purchased from the 4th respondent, and after her death he has been in possession of the same. Whileso, the 4th respondent, having failed in his attempts to interfere with the possession of the petitioner, with the aid of the 3rd respondent sent police constables to the petitioner and threatened him with dire consequences. The 4th respondent is also trying to demolish the constructions of the petitioner. Aggrieved thereby, the petitioner approached this Court by way of filing this Writ Petition.

3. Heard both sides.

4. I have perused the entire material on record.

5. It is submitted that the 3rd respondent registered a case against the petitioner and investigated into the matter. It is further submitted that the 3rd respondent never interfered with the peaceful possession and enjoyment of the suit schedule land of the petitioner. Therefore, the 3rd respondent is discharged. Now, the dispute remains between the petitioner and the 4th respondent.

6. *Prima facie*, I am satisfied that the dispute is between the petitioner and the 4th respondent. As seen from the averments made in the petition also, there is no dispute between the petitioner and the 1st respondent. Therefore, if the petitioner is aggrieved by the action of the 4th respondent, he can approach the competent Civil Court and seek alternative remedy.

7. In view of the facts and circumstances of the case, the Writ Petition fails and is accordingly dismissed. No order as costs.

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(DHARMA RAO ELIPE,J)

17th August, 2005.

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